

## REMARKS

Reconsideration and further examination of the subject patent application in view of the RCE submitted herewith and in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-40 are currently pending in the application. Claims 1-6, 8-9, 15-20, 22-23, 29-34, 36, and 37 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. Pub. No. 2004/0133647 to McKinnon, et al. (“McKinnon”). Claims 7, 21, and 35 have been rejected under 35 U.S.C. §103(a) as unpatentable over McKinnon further in view of U.S. Pat. Pub. No. 2003/0133647 to Chaney, et al. (“Chaney”), and further in view of Wolff (U.S. Pat. No. 6,185,601); and claims 10, 24, and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McKinnon further in view of U.S. Pat. Pub. No. 2005/0100157 to Gray, et al. (“Gray”). Claims 11-12, 25-26, and 39-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McKinnon and Gray further in view of Chaney and Wolff. Claims 5, 6, 8, 9, 14, 15, 16, 19, 28, and 40 have been amended for clarification. After a careful review of the claims and cited references, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

All the independent claims 1, 15, and 29 are limited to sending a SIP SUBSCRIBE message to a presentity server requesting status of a separate second resource that performs a service for the separate first resource and sending a SIP NOTIFY message notifying the first resource of the status of the second resource (see e.g., paragraphs 0025-0028). In addition, claim 15 has been amended to call for detecting loss of availability of a call transferring (i.e., routing) second resource device operating within a computer system and transferring the calls to a third resource when the call transferring resource fails (see e.g., paragraphs 23-24). Claim 6 has been amended to require the NOTIFY message to contain notification of availability of the ACD, while claim 8 calls for the NOTIFY message to contain a loading

level and claim 9 has been amended to claim a report generator using SUBSCRIBE messages (see e.g., paragraphs 0029-0030). Claim 40 has been amended to require a configuration processor that detects if the first resource is offline and redirects calls in response (see e.g., paragraph 0031).

Claims 1-6, 8-9, 15-20, 22, 23, 29-34, 36, and 37 have been rejected as anticipated by McKinnon. McKinnon is directed to a system to allow messaging between agents using presence messaging. The Office Action asserts that sending a SIP SUBSCRIBE message from a first resource to a presentity server requesting a status of a second resource that performs a service for the first resource is disclosed in paragraphs 0005, 0020, 0021, 0027-29, and 0031 of McKinnon. However, these paragraphs describe use of the SUSCRIBE message by watcher devices to request a relationship with a presentity so the presentity will communicate presence information to the watcher device. Thus, the SUBSCRIBE message is used in a different way (not intended use but the claimed way or manner in which the method is performed) than that claimed. In the claim a first resource uses the SUBSCRIBE message to request a status of a second resource while in McKinnon, the SUBSCRIBE messages are used by a first presentity in the presentity server, to request a relationship with another presentity within the presentity server. Thus, the SUBSCRIBE message is not requesting status of the second resource separate from the presentity server but instead requests a subscription between presentities within the presentity server. Similarly, any other resource (participating device) does not send the SUBSCRIBE message to the presentity server to request status of another device, even if they do request relationships with presentities. Further, McKinnon does not send the SIP NOTIFY message from the second resource to the separate first resource to notify status of the second, but rather sends the NOTIFY messages between presentities within the presence server. Sending messages between the presentity server and separate devices is completely different from a presentity server communicating

within itself. In addition, claim 15 is further distinguishable because the references do not disclose a transfer of calls to a third resource when the call transferring second resource is not available as now claimed. Thus, these claimed features of independent claims 1, 15, and 29 are not disclosed by McKinnon.

Since McKinnon and the other cited references fail to provide any teaching of these features, the references fail to teach or suggest each and every claim limitation. Therefore, independent claims 1, 15, and 29 are believed to be allowable over the cited references as are dependent claims 2-14, 16-28, and 30-40 which depend from now allowable claims 1, 15, and 29. Further, claim 6 now calls for the NOTIFY message to contain notification of availability of the ACD, claim 8 calls for the ACD to forward the NOTIFY message containing a loading level to the presentity server and to the first resource and claim 9 now further calls for a report generator sending a Subscribe message to the presentity server requesting status of the first and second resources. These features are also not disclosed by the references and thus these claims are believed to be further distinguishable over the references.

Claims 7, 21 and 35 have been rejected as being obvious over McKinnon, Chaney, and Wolff. In this regard, Chaney also fails to teach or suggest the above discussed claimed features. In addition, Chaney describes determining a conference server with the lightest load but does not describe the claimed comparing of the load level to a threshold and determining that the ACD is unavailable if it exceeds the threshold. Wolff merely discloses I/O load balancing to a plurality of server nodes but does not compare ACD load level to a threshold to determine if the ACD is available or not. Since McKinnon, Chaney, and Wolff fail to provide any teaching of these features, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the claims 7, 21, and 35 are believed to be allowable over the cited references.

Claims 10, 24, and 38 have been rejected as obvious over McKinnon and Gray. Gray does not disclose the missing features described above regarding McKinnon, and further Gray merely describes representing current user context to be utilized in call handling but does not disclose the claimed call classification application determining a call type. Thus, claims 10, 24, and 28 are distinguishable over the combination.

Claims 11-12, 25-26, and 39-40 have been rejected as being obvious over McKinnon in view of Chaney, Gray, and Wolff. It may be noted in this regard that Gray and Wolff also fails to teach or suggest the above discussed features as well as the claimed use of queue length, loading of call routing application and a third resource. Since the cited references fail to provide teaching of these features, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the claims 11-14, 25-28, and 39-40 are believed to be distinguishable over the combination.

For the foregoing reasons, applicant submits that the subject application and all pending claims 1-40 are in condition for allowance, and applicant earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional free which may be required for this application under 37 C.F.R. § 1.16-1.18, including but not limited to the issue free, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

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By:   
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